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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

VIVIAN V. PANTING, )  
Plaintiff, )  
vs. )  
OSCAR EDGARDO BENITEZ as Putative )  
Vice Consul of the Republic of )  
Honduras in Charge at Los Angeles, )  
and CARLOS LOPEZ CONTRERAS as )  
Foreign Minister of the Republic )  
of Honduras, )  
Defendants. )  
CARLOS LOPEZ CONTRERAS, as )  
Foreign Minister of the Republic )  
of Honduras, )  
Cross-Complainant, )  
vs. )  
OSCAR EDGARDO BENITEZ as Putative )  
Vice Consul of the Republic of )  
Honduras in Charge at Los Angeles, )  
and VIVIAN V. PANTING, )  
Cross-Defendants. )

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Civil Action No.  
CV09-7087 GW (AGRx))

**INTERLOCUTORY JUDGMENT  
OF INTERPLEADER**

The Court having considered the Substitute Stipulation for  
Interlocutory Judgment of Interpleader of all appearing parties

**(PROPOSED) JUDGMENT**

1 herein, and good cause appearing

2 THE COURT FINDS AND CONCLUDES that:

3 1. This is an action in interpleader as to which the Court  
4 has jurisdiction pursuant to 28 U.S.Code §§1330(a) and 1331.

5 2. At the time of filing this action Defendant and Cross-  
6 Complainant Carlos Lopez Contreras ("Appearing Defendant") was  
7 the duly appointed and acting Foreign Minister of the Interim  
8 Constitutional Government of the Republic of Honduras; and a  
9 colorable claimant to the money and property interpledged herein.

10 3. At the time of filing this action Defendant and Cross-  
11 Defendant Oscar Edgardo Benitez ("Defaulting Defendant") was the  
12 Vice Consul in Charge at Los Angeles of the Consulate of the  
13 Republic of Honduras, under appointment by the administration of  
14 the Government of the Republic of Honduras immediately preceding  
15 the establishment of the Interim Constitutional Government; and a  
16 colorable claimant to the money and property interpledged herein.

17 4. At the time of filing the within action Plaintiff and  
18 Cross-Defendant Vivian V. Panting ("Plaintiff") was in possession  
19 of the funds and property of the Republic of Honduras as  
20 described in her Complaint herein, and in reasonable doubt as to  
21 which of Appearng Defendant or Defaulting Defendant was the  
22 proper party to claim such funds and property on behalf of the  
23 Republic of Honduras.

24 5. Plaintiff's use of \$350 of the Republic of Honduras  
25 funds then in her possession for payment of the filing fee herein  
26 was a reasonable and proper use of the said funds.

27 6. Plaintiff has subjected all funds and property of the  
28 Republic of Honduras in her possession or under her control to

**(PROPOSED) JUDGMENT**

1 the jurisdiction of this Court by depositing a portion thereof  
2 with the Clerk of the Court pursuant to an Order granting leave  
3 so to do, and by having her counsel retain possession of the  
4 remainder subject to disposition on order of this Court.

5 7. Defaulting Defendant was duly served with Summons and  
6 Complaint herein, and upon his failure to respond thereto his  
7 default has been duly entered herein.

8 8. Appearing Defendant has generally appeared herein,  
9 thereby subjecting himself to the jurisdiction of this Court, and  
10 has filed his Answer and Counterclaim asserting a right to  
11 possession of the funds and property interpledged herein as set  
12 forth below.

13 9. No claim of ownership or entitlement to possession of  
14 any of the funds or property interpledged herein was made in the  
15 within action on behalf of Defaulting Defendant or the  
16 governmental authority represented by him.

17 10. The inauguration on January 27, 2009, of Porfirio Lobo  
18 Sosa as the duly elected President of Honduras, and the  
19 recognition by the United States of America of his government as  
20 the *de jure* government of the Republic of Honduras, has made the  
21 fundamental issues of this action moot.

22 11. Plaintiff is entitled to reimbursement of fees and  
23 expenses reasonably incurred in the filing and prosecution of the  
24 within action in the amounts hereinafter specified.

25 12. The parties intend to dismiss the Complaint and  
26 Counter-Claim herein following the entry of this Interlocutory  
27 Judgment.

28 IT IS THEREFORE HEREBY ORDERED, ADJUDGED AND DECREED that:

**(PROPOSED) JUDGMENT**

1. Plaintiff's use of a portion of the funds otherwise subject to being interpleaded herein as payment of the filing fee for the within action is ratified and approved.

2. From the funds in his possession herein the Clerk is ordered and directed to pay to Plaintiff, in care of her counsel, the sum of \$8,000.00, as reimbursement for attorney fees and costs reasonably and necessarily incurred herein.

3. Upon dismissal of this action, the Clerk is ordered and directed to pay all remaining funds in his possession herein, and to deliver all non-monetary property in his possession herein, to Plaintiff, in care of her counsel.

4. Upon dismissal of this action, Roy C. Zukerman, Esq.,  
counsel for Plaintiff, is ordered and directed to forthwith  
deliver to Plaintiff Bank of America cashier's checks Nos.  
425528266, 425528274, and 425528651; and to file a receipt  
therefor within seven days from the date of filing the said  
dismissal.

DATED: February 5, 2010.

George K. W.

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GEORGE H. WU, DISTRICT JUDGE

## **(PROPOSED) JUDGMENT**